

Before the State of South Carolina  
Department of Insurance

In the matter of:	)	
	)	File Number 2000-102897
Anderson-Bissell Insurance Agencies, Inc.	)	
	)	Consent Order
1591 Savannah Highway	)	Imposing Administrative Penalty
Charleston, South Carolina 29407.	)	
_____	)	

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Anderson-Bissell Insurance Agencies, Inc. (the Agency), a licensed South Carolina resident insurance agency.

The Agency admits, and I hereby find as fact, that it failed to pay timely the continuing education fee (the CE fee) required of four of its licensed insurance agent employees (the Agents) by S.C. Code Ann. § 38-43-106(D) (Supp.1999). The Agency did not pay the CE Fee, which was due May 1, 2000, until May 5. This act can ultimately lead to the revocation of the Agents' licenses to transact the business of insurance in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-43-130 (Supp.1999).

Prior to the initiation of any administrative proceedings by the Department against the Agents, the Agency and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that, in lieu of the Department seeking to revoke the Agent's licenses, they and the Agency would waive their right to a public hearing, and the Agency would immediately pay the Agents' CE fee and an administrative fine in the total amount of \$1,000.

Section 38-43-106(D) of the South Carolina Code makes individual insurance agents "responsible for payment to the continuing education administrator of a reasonable annual fee for operation of the continuing education program." Section § 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent...has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State." Section § 38-43-30 makes clear that these Code provisions could apply to insurance agencies as well.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that the Agency has violated S.C. Code Ann. § 38-43-106(D) (Supp. 1999) and that I can now revoke its license. Moreover, its actions have caused the Agents to be in violation of the same Code provision, and I could revoke their licenses. However, under the discretionary authority provided to me within S.C.



Anderson-Bissell Insurance Agencies, Inc.

Code Ann. § 38-43-130 and 25A SC Code Ann. Reg. 69-50 §VIII (Supp. 1999), I hereby impose against the Agency an administrative fine in the total amount of \$ 1,000. The Agency must pay the required CE fee and that fine within ten days of the date of my signature upon this consent order. If it does not timely pay that total fine amount, or if it does not provide proof of its having timely paid the CE fee, its license will be revoked together with that of the Agents without any further disciplinary proceedings.

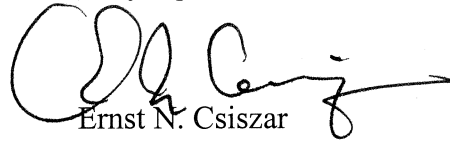
The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against either the Agency or the Agents before and of the Agency's assurance that in the future it will comply with the state's insurance laws, particularly that of timely paying the CE fee. The parties expressly agree and understand the Agency's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By the signature of its authorized representative upon this consent order, the Agency acknowledges that it understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he/she considers necessary to report."

It is, therefore, ordered that the Agency shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of \$ 1,000, pay to the CE Administrator the CE fee required, and provide the Department proof of its payment by that date.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in the Agency's licensing file.

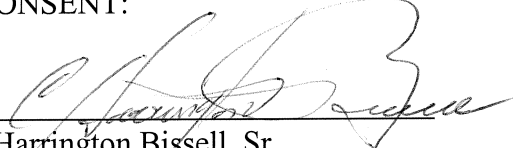
This consent order becomes effective as of the date of my signature below.

  
Ernst N. Csiszar  
Director

June 28<sup>th</sup>, 2000, at  
Columbia, South Carolina

 Anderson-Bissell Insurance Agencies, Inc.

I CONSENT:

  
C. Harrington Bissell, Sr.  
Anderson-Bissell Insurance Agencies, Inc.  
1591 Savannah Highway  
Charleston, South Carolina 29407

Dated this 28 day of June, 2000